

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA

Plaintiff,

vs.

DUANE SCOTT TORTOLANI,

Defendant.

Case No. 3:21-cr-00014-JMK-MMS

**ORDER RE FINAL REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE UPON A PLEA OF GUILTY**

A notice of stipulated facts was filed in this case at Docket 54. Pursuant to Rules 11 and 59 of the Federal Rules of Criminal Procedure, this matter was referred to the Honorable Magistrate Judge Matthew M. Scoble by the District Court, with the written and oral consents of Defendant, counsel for Defendant, and counsel for the United States. A proposed change of plea hearing was held before the Magistrate Judge at which Mr. Tortolani entered a guilty plea to Counts 1 and 2 of the Indictment, a violation of 21 U.S.C. § 841(a)(1), (b)(1)(C), and Count 3, a violation of 21 U.S.C. § 841(a)(1), (b)(1)(B), for Distribution of a Controlled Substance.

Judge Scoble issued a Final Report and Recommendation at Docket 58, in which he recommended that the District Court accept the Defendant's plea of guilty to

Counts 1, 2, and 3 of the Indictment. No objections to the Final Report and Recommendation have been filed.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). The Court has reviewed the Final Report and Recommendation and adopts it. Accordingly, IT IS ORDERED that the Court ACCEPTS Defendant's plea of guilty to Counts 1, 2, and 3 of the Indictment, Distribution of a Controlled Substance. Defendant is adjudged GUILTY of Counts 1, 2, and 3.

The Imposition of Sentence is confirmed for June 7, 2023, at 10:00 a.m. in Anchorage Courtroom 3.

DATED this 24th day of April, 2023 at Anchorage, Alaska.

/s/ Joshua M. Kindred
JOSHUA M. KINDRED
United States District Judge